

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Special Session  
2001

CHAPTER 3

# HOUSE BILL 2015

AN ACT

AMENDING LAWS 1999, CHAPTER 324, SECTION 1; AMENDING LAWS 2001, CHAPTER 339, SECTION 1; REPEALING LAWS 2001, CHAPTER 237, SECTIONS 4, 5, 6, 8, 11 AND 12; AMENDING LAWS 2000, CHAPTER 1, SECTION 3, AS AMENDED BY LAWS 2000, SEVENTH SPECIAL SESSION, CHAPTER 1, SECTION 27; AMENDING LAWS 2000, CHAPTER 1, SECTION 4, AS AMENDED BY LAWS 2000, SEVENTH SPECIAL SESSION, CHAPTER 1, SECTION 28; MAKING CAPITAL OUTLAY APPROPRIATIONS AND FUND TRANSFERS RELATING TO THE DIFFERENT DEPARTMENTS OF THE STATE AND FOR STATE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Laws 1999, chapter 324, section 1 is amended to read:

3 Section 1. Appropriation; purpose; exemption

4 A. The sum of \$500,000 is appropriated from the state general fund in  
5 fiscal year 1999-2000, the sum of \$750,000 is appropriated from the state  
6 general fund in fiscal year 2000-2001, and the sum of \$1,500,000 is  
7 appropriated from the state general fund in ~~each of the fiscal years YEAR~~  
8 ~~2001-2002 and 2002-2003~~ to the university of Arizona for construction of an  
9 academic and technology building on the Sierra Vista campus.

10 B. The appropriations made in subsection A of this section are exempt  
11 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
12 lapsing of appropriations.

13 Sec. 2. Laws 2001, chapter 339, section 1 is amended to read:

14 Section 1. Appropriations; purpose; exemption

15 A. The sum of \$714,300 is appropriated from the state general fund in  
16 ~~each of fiscal years YEAR 2001-2002 and 2002-2003~~ to the department of  
17 economic security to be combined with matching funds from the Navajo Nation  
18 for planning, designing, developing and constructing senior center facilities  
19 for Navajo Nation chapters. The Navajo Nation shall develop a plan for the  
20 equitable use of the monies among the chapters ~~to address the needs of up to~~  
21 ~~one-half of the chapters in fiscal year 2001-2002 and the remaining chapters~~  
22 ~~in fiscal year 2002-2003.~~ Appropriated monies shall not be used for  
23 administrative costs.

24 B. The sum of \$285,700 is appropriated in ~~each of fiscal years YEAR~~  
25 ~~2001-2002 and 2002-2003~~ to the department of economic security to be combined  
26 with matching contributions from the Hopi Tribe for planning, designing,  
27 developing and constructing Hopi senior center facilities. Appropriated  
28 monies shall not be used for administrative costs.

29 C. The appropriations made in subsections A and B of this section are  
30 exempt from the provisions of section 35-190, Arizona Revised Statutes,  
31 relating to lapsing of appropriations, except that monies remaining  
32 unexpended and unencumbered on June 30, 2004 revert to the state general  
33 fund.

34 Sec. 3. Repeal

35 Laws 2001, chapter 237, sections 4, 5, 6, 8, ~~11~~ and 12 are repealed.

36 Sec. 4. Capital outlay appropriations; major maintenance and  
37 repair of state buildings

38 A. Notwithstanding section 41-793.01, Arizona Revised Statutes, the  
39 amounts appropriated in this section are appropriated for fiscal year  
40 2001-2002 and shall be used by the applicable agency for major maintenance  
41 and repair activities for state buildings in accordance with title 41,  
42 chapter 4, article 7, Arizona Revised Statutes. Twenty-five per cent or less  
43 of the monies may be spent for state building modifications to comply with  
44 the federal Americans with disabilities act (42 United States Code sections  
45 12101 through 12213 and 47 United States Code sections 225 and 611) or for

1 major maintenance and repair activities for state infrastructure. The monies  
 2 may only be used for facilities on the state building inventory or for  
 3 infrastructure that directly supports those facilities. Of the amounts  
 4 appropriated to the Arizona department of administration, up to \$275,000 in  
 5 personal services and employee related expenditures for up to five full-time  
 6 employee positions may be allocated each fiscal year until the building  
 7 renewal projects are completed. All other monies appropriated in this  
 8 section shall not be spent for personal services or employee related  
 9 expenditures or for maintenance contracts on building components and  
 10 equipment without review by the joint committee on capital review. Any  
 11 monies appropriated for building renewal in fiscal year 2001-2002 that are  
 12 unexpended or unencumbered on September 30, 2003 shall revert to the fund  
 13 from which they were appropriated.

14		<u>2001-02</u>
15	B. DEPARTMENT OF ADMINISTRATION	\$ 6,464,400
16	Fund sources:	
17	Capital outlay stabilization	
18	fund	\$ 3,304,000
19	Corrections fund	\$ 2,979,800
20	Miners' hospital fund	\$ 180,600

21 The department of administration shall allocate the monies to state  
 22 agencies for necessary building renewal. If monies in the capital outlay  
 23 stabilization fund are insufficient to fund the appropriation to the  
 24 department of administration for building renewal, the appropriation to the  
 25 department of administration shall be reduced by the difference between the  
 26 amount appropriated to the department of administration from the capital  
 27 outlay stabilization fund and the balance in the capital outlay stabilization  
 28 fund.

29 Of the \$2,979,800 appropriated from the corrections fund in fiscal year  
 30 2001-2002, \$2,759,400 shall be used for department of corrections building  
 31 renewal and \$220,400 shall be used for department of juvenile corrections  
 32 building renewal.

33 The \$180,600 appropriated from the miners' hospital fund in fiscal year  
 34 2001-2002 shall be used for building renewal at the Arizona pioneers' home.

35		<u>2001-02</u>
36	C. DEPARTMENT OF TRANSPORTATION	\$ 1,576,400
37	Fund source:	
38	State highway fund	\$ 1,576,400
39		<u>2001-02</u>
40	D. ARIZONA EXPOSITION AND STATE FAIR	
41	BOARD	\$ 1,147,100
42	Fund source:	
43	Arizona exposition and state	
44	fair fund	\$ 1,147,100

1			<u>2001-02</u>
2	E. GAME AND FISH DEPARTMENT	\$	307,600
3	Fund source:		
4	Game and fish fund	\$	307,600
5			<u>2001-02</u>
6	F. ARIZONA LOTTERY COMMISSION	\$	34,700
7	Fund source:		
8	State lottery fund	\$	34,700
9			<u>2001-02</u>
10	G. DEPARTMENT OF HEALTH SERVICES	\$	75,800
11	Fund source:		
12	Southern Arizona mental health		
13	center building renewal		
14	fund	\$	75,800
15	Sec. 5. <u>Capital outlay appropriations; major capital projects;</u>		
16	<u>department of administration</u>		
17			<u>2001-02</u>
18	Department of administration:		
19	1. Arizona schools for the deaf		
20	and the blind Phoenix		
21	transportation building	\$	427,700
22	Fund source:		
23	State general fund	\$	427,700
24	2. Department of corrections		
25	safety improvements	\$	1,379,400
26	Fund source:		
27	Corrections fund	\$	1,379,400
28	Before the expenditure of any monies from the department of corrections		
29	safety improvements appropriations, the Arizona department of administration		
30	shall submit an expenditure plan for review by the joint committee on capital		
31	review.		
32	3. Department of corrections		
33	lock replacement	\$	1,000,000
34	Fund source:		
35	Corrections fund	\$	1,000,000
36	The department of administration may expend a portion of the amounts		
37	appropriated for lock replacement for an assessment of all locking systems		
38	at Arizona state prisons. Before the expenditure of any monies for actual		
39	lock replacement, the department of administration shall submit the		
40	assessment and an expenditure plan prioritizing lock replacement projects		
41	throughout the prison system to the joint committee on capital review for its		
42	review. After the joint committee on capital review completes its review of		
43	the expenditure plan, the department of administration shall provide monthly		
44	status updates to the joint committee on capital review.		

1 Of the amounts appropriated, the department of administration may  
 2 allocate up to \$180,000 in personal services and employee related  
 3 expenditures for up to three full-time employee positions to oversee and  
 4 manage the project until its completion.

5 4. Department of corrections

6 Fort Grant landfill closure \$ 555,300

7 Fund source:

8 Corrections fund \$ 555,300

9 5. Department of juvenile

10 corrections medical unit \$ 785,000

11 Fund source:

12 Corrections fund \$ 785,000

13 6. Department of juvenile corrections

14 HVAC replacements/renovations \$ 50,000

15 Fund source:

16 Corrections fund \$ 50,000

17 7. Privatized lease to own

18 project management \$ 162,400

19 Fund source:

20 Certificates of participation  
 21 fund \$ 162,400

22 The amounts appropriated to the department of administration are for  
 23 three full-time employee positions to manage and oversee the project.

24 8. Privatized lease to own

25 backfill space renovations \$ 213,700

26 Fund sources:

27 Capital outlay stabilization  
 28 fund \$ 213,700

29 Certificates of participation  
 30 fund - 0 -

31 9. Privatized lease to own backfill

32 agency relocations \$ 50,000

33 Fund source:

34 Certificates of participation  
 35 fund \$ 50,000

36 10. Arizona pioneers' home plumbing

37 renovations \$ 325,200

38 Fund source:

39 Miners' hospital fund \$ 325,200

40 Total appropriation - department

41 of administration \$ 4,948,700

42 Fund sources:

43 State general fund \$ 427,700

44 Corrections fund \$ 3,769,700

1	Capital outlay stabilization	
2	fund	\$ 213,700
3	Certificates of participation	
4	fund	\$ 212,400
5	Miners' hospital fund	\$ 325,200
6	Sec. 6. <u>Capital outlay appropriations; major capital projects;</u>	
7	<u>department of transportation</u>	

2001-02

9	Department of transportation:	
10	1. Payson MVD service center	\$ 856,000
11	2. West Phoenix MVD service	
12	center	\$ 1,331,000
13	3. Asbestos and lead	
14	inspections	\$ 700,000
15	4. Holbrook maintenance	
16	yard sewer system	\$ 257,000
17	5. De-icer buildings	\$ 200,000
18	6. East valley maintenance	
19	yard	- 0 -
20	7. Highway construction	\$277,963,000

The amounts appropriated for highway construction are from the state highway fund for the planning and construction of state highways, including the national system of interstate highways within this state, the state primary or secondary system, the county primary or secondary system and urban rural routes, the acquisition of rights-of-way, the cost of field administration and field engineering on construction projects and debt service payments on bonds issued for highway construction. Any balances and collections in the state highway fund in excess of the specific amounts appropriated in the general appropriations act and in this act are appropriated to the department for the purposes provided in this paragraph.

Of the amounts appropriated from the state highway fund for the planning and construction of state highways, the department may allocate up to \$30,025,100 for personal services and employee related expenditures for up to 619 full-time employee positions in fiscal year 2001-2002. Before the expenditure of any operating budget monies from the capital budget, the department of transportation shall submit information on any operating budget expenses funded from the capital budget to the joint committee on capital review by July 1, 2001 for review. The submittal shall contain at least as much detail as the department's annual operating budget request. Operating budget expenditures include any expenditure for personal services, employee related expenditures, professional and outside services, travel in state, travel out of state and other operating expenditures.

43	8. Airport planning and	
44	development	\$ 10,667,000

1 Fund source:

2 State aviation fund \$ 10,667,000

3 The amounts are appropriated from the state aviation fund for the  
4 planning, construction, development and improvement of state, county, city  
5 or town airports as determined by the state transportation board. Any  
6 balances and collections in the state aviation fund in excess of the specific  
7 amounts appropriated in the general appropriation act and in this act are  
8 appropriated to the department of transportation for the purposes provided  
9 in this paragraph.

10 Total appropriation - department of  
11 transportation \$291,974,000

12 Fund sources:

13 State highway fund \$281,307,000

14 State aviation fund \$ 10,667,000

15 Sec. 7. Department of administration reports; full-time  
16 employee positions; reallocations

17 A. The department of administration shall report on the status of  
18 project-specific full-time employee positions for capital projects in its  
19 annual capital budget request.

20 B. The department of administration may allocate FTE positions  
21 authorized for specific projects to other projects in this act and projects  
22 authorized by Laws 2001, chapter 237, as amended by this act, provided that  
23 funding for the FTE positions is cost allocated among the projects receiving  
24 the benefit. The department of administration shall report any FTE position  
25 reallocations to the joint committee on capital review by December 31, 2001.

26 Sec. 8. Use of appropriations; limitation

27 A. Unless otherwise specified, the monies appropriated in this act  
28 shall not be spent for personal services or employee related expenditures of  
29 state employees, excluding any services provided as part of the inmate  
30 construction program for correctional facilities.

31 B. Monies appropriated for specific projects in this act may be used  
32 for personal services or employee related expenditures related to direct  
33 inmate expenses associated with services provided as part of the inmate  
34 construction program.

35 Sec. 9. Lapsing; exemption

36 Unless otherwise specified, the appropriations made in this act do not  
37 lapse until the purpose for which the appropriation was made has been  
38 accomplished or abandoned, or the appropriation stands for a full fiscal year  
39 without an expenditure or an encumbrance.

40 Sec. 10. Reversion of capital appropriations; state general  
41 fund

42 Notwithstanding any other law, all unexpended and unencumbered monies  
43 remaining in the following appropriations revert to the state general fund  
44 on the effective date of this act:

1           1. Laws 1994, eighth special session, chapter 2, section 2, subsection  
2 B, paragraph 1, subdivision (e) relating to design and land acquisition for  
3 the state health laboratory.

4           2. Laws 1994, eighth special session, chapter 7, section 1, subsection  
5 A, paragraph 2 relating to renovation and furnishing of the department of  
6 youth treatment and rehabilitation residential cottages.

7           3. Laws 1995, first special session, chapter 2, section 2 (as amended  
8 by Laws 1995, chapter 229, section 10), subsection B, paragraph 1,  
9 subdivision (c) relating to design and construction of 48 new department of  
10 youth treatment and rehabilitation beds at Black Canyon juvenile institution.

11           4. Laws 1995, first special session, chapter 2, section 2 (as amended  
12 by Laws 1995, chapter 229, section 10), subsection B, paragraph 1,  
13 subdivision (d) relating to department of youth treatment and rehabilitation  
14 asbestos abatement.

15           5. Laws 1995, first special session, chapter 2, section 2 (as amended  
16 by Laws 1995, chapter 229, section 10), subsection B, paragraph 1,  
17 subdivision (e) relating to department of corrections fire and life safety  
18 issues.

19           6. Laws 1996, fifth special session, chapter 2, section 2 (as amended  
20 by Laws 1996, chapter 337, section 1), subsection B, paragraph 1, subdivision  
21 (a) relating to high-security juvenile facility for fiscal year 1996-1997.

22           7. Laws 1996, fifth special session, chapter 7, section 76, paragraph  
23 1 relating to the design of a four hundred bed high-security facility for  
24 youths committed to the department of juvenile corrections.

25           8. Laws 1997, first special session, chapter 2, section 2 (as amended  
26 by Laws 1998, fourth special session, chapter 1, section 51), subsection B,  
27 paragraph 3 relating to ASPC-Douglas wastewater improvements.

28           9. Laws 1998, fourth special session, chapter 1, section 58,  
29 subsection A, paragraph 1 relating to the construction of an additional 200  
30 beds and necessary support facilities to complete the new department of  
31 juvenile corrections secure care complex.

32           Sec. 11. Reauthorization of capital appropriations; state  
33                           general fund

34           Notwithstanding any other law, any unexpended and unencumbered monies  
35 from Laws 1999, chapter 349, which appropriated \$400,000 from the state  
36 general fund in each of fiscal years 1999-2000 and 2000-2001 to northern  
37 Arizona university for a university center facility at the signal peak campus  
38 of central Arizona college, may be used to help finance any northern Arizona  
39 university bond projects approved by the joint committee on capital review.

40           Sec. 12. Laws 2000, chapter 1, section 3, as amended by Laws 2000,  
41 seventh special session, chapter 1, section 27, is amended to read:

42           Sec. 3. Supplemental appropriations; state hospital; repayment;  
43                           exemption

44           A. In addition to the appropriation made by Laws 1999, first special  
45 session, chapter 1, section 4, the following sums are appropriated in the



1 following fiscal years from the monies in the Arizona state hospital capital  
2 construction fund established by section 4 of this act to the department of  
3 administration for the demolition, renovation and construction of the Arizona  
4 state hospital. The department of administration is exempt from the  
5 provisions of title 41, chapter 23, Arizona Revised Statutes, relating to  
6 procurement procedures for purposes of this project but shall report to the  
7 joint committee on capital review and the Arizona state hospital capital  
8 construction commission as to any procurement procedures that vary from those  
9 specified in title 41, chapter 23, Arizona Revised Statutes. The department  
10 shall use an architect with at least ten years' experience in hospital design  
11 and construction:

- 12 1. \$20,000,000 in fiscal year 1999-2000.
- 13 2. \$20,000,000 in fiscal year 2000-2001.
- 14 3. \$20,000,000 in fiscal year 2001-2002.
- 15 4. ~~\$20,000,000~~ \$17,500,000 in fiscal year 2002-2003.

16 Of the amounts appropriated, the department of administration may allocate  
17 up to \$252,000 and four FTE positions each of the fiscal years of the  
18 appropriation to manage and oversee the project until its completion.

19 B. If state-specific finality as defined in the national tobacco  
20 lawsuit master settlement agreement is achieved, monies from the budget  
21 stabilization fund deposited into the Arizona state hospital capital  
22 construction fund in section 4 of this act shall be repaid by the state  
23 treasurer to the budget stabilization fund from the first ~~\$80,000,000~~  
24 \$77,500,000 in up-front tobacco settlement monies received by this  
25 state. The repayments shall be made in the following amounts in the  
26 following fiscal years:

- 27 1. Fiscal year 1999-2000, \$20,000,000.
- 28 2. Fiscal year 2000-2001, \$20,000,000.
- 29 3. Fiscal year 2001-2002, \$20,000,000.
- 30 4. Fiscal year 2002-2003, ~~\$20,000,000~~ \$17,500,000.

31 C. At a minimum, the department of administration shall use monies  
32 appropriated pursuant to this section to provide one hundred seventy-six new  
33 civil beds to be located on the current grounds of the state hospital at  
34 Twenty-fourth street and Van Buren road in Phoenix and to renovate and expand  
35 the facilities at that site to address physical plant needs for civil and  
36 forensic populations, an adolescent unit and sexually violent offenders.

37 D. Following the recommendations of the Arizona state hospital capital  
38 construction commission pursuant to section 36-218, subsection G, Arizona  
39 Revised Statutes, the project is subject to review by the joint committee on  
40 capital review, including a review of the request for proposals and proposals  
41 of builders, a review of the entire plan before construction is started and  
42 quarterly updates of the project.

43 E. The appropriations made pursuant to this section are exempt from  
44 the provisions of section 35-190, Arizona Revised Statutes, relating to  
45 lapsing of appropriations until July 1, 2003.

1       Sec. 13. Laws 2000, chapter 1, section 4, as amended by Laws 2000,  
2 seventh special session, chapter 1, section 28, is amended to read:

3       Sec. 4. Arizona state hospital capital construction fund;  
4             budget stabilization fund monies; distribution;  
5             reversion

6       An Arizona state hospital capital construction fund is established.  
7 Notwithstanding section 35-144, Arizona Revised Statutes, the state treasurer  
8 shall deposit \$20,000,000 in each of the fiscal years 1999-2000, 2000-2001,  
9 AND 2001-2002 and \$17,500,000 IN FISCAL YEAR 2002-2003 from budget  
10 stabilization fund monies into the Arizona state hospital capital  
11 construction fund. Deposits shall be made at the beginning of each fiscal  
12 year. For fiscal year 2000-2001, the treasurer shall deposit all monies by  
13 January 1, 2001. Fiscal year 2000-2001 deposits shall not exceed  
14 \$20,000,000, including any previously deposited interest earnings from the  
15 budget stabilization fund. All interest earned on investment of monies in  
16 the Arizona state hospital capital construction fund shall be credited to the  
17 fund. All monies in the fund remaining unexpended and unencumbered on July  
18 1, 2005, revert to the budget stabilization fund.

APPROVED BY THE GOVERNOR DECEMBER 19, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE DECEMBER 20, 2001.

Passed the House December 4, 2001,

by the following vote: 34 Ayes,

21 Nays, 5 Not Voting

Jake Elmer  
Speaker of the House  
Pro Tempore

Norman L. Moore  
Chief Clerk of the House

Passed the Senate December 14, 2001,

by the following vote: 22 Ayes,

7 Nays, 1 Not Voting

Randall Austin  
President of the Senate

Charmine Billington  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**SECOND SPECIAL SESSION  
H.B. 2015**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

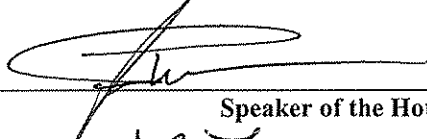
\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

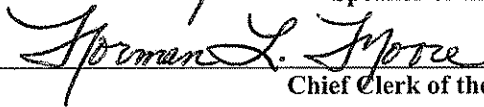
December 14, 2001,

by the following vote: 37 Ayes,

11 Nays, 12 Not Voting



Speaker of the House



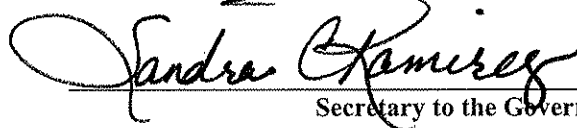
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of December, 2001,

at 10:55 o'clock A M.



Secretary to the Governor

Approved this 19<sup>th</sup> day of

December, 2001,

at 11:10 o'clock A M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of Dec., 2001,

at 2:31 o'clock P M.



Secretary of State

H.B. 2015  
2<sup>nd</sup> Special Session